

SB3007



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3007

Introduced 2/7/2014, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

725 ILCS 5/109-3.1

from Ch. 38, par. 109-3.1

Amends the Code of Criminal Procedure of 1963. Makes a technical change in Section on time period for preliminary hearing or indictment of persons charged with felonies.

LRB098 19809 MRW 55027 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 109-3.1 as follows:

6 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

7 Sec. 109-3.1. Persons Charged with Felonies. (a) In any
8 case involving a person charged with a felony in this State,
9 alleged to have been committed on or after January 1, 1984, the
10 ~~the~~ provisions of this Section shall apply.

11 (b) Every person in custody in this State for the alleged
12 commission of a felony shall receive either a preliminary
13 examination as provided in Section 109-3 or an indictment by
14 Grand Jury as provided in Section 111-2, within 30 days from
15 the date he or she was taken into custody. Every person on bail
16 or recognizance for the alleged commission of a felony shall
17 receive either a preliminary examination as provided in Section
18 109-3 or an indictment by Grand Jury as provided in Section
19 111-2, within 60 days from the date he or she was arrested.

20 The provisions of this paragraph shall not apply in the
21 following situations:

22 (1) when delay is occasioned by the defendant; or

23 (2) when the defendant has been indicted by the Grand Jury

1 on the felony offense for which he or she was initially taken
2 into custody or on an offense arising from the same transaction
3 or conduct of the defendant that was the basis for the felony
4 offense or offenses initially charged; or

5 (3) when a competency examination is ordered by the court;
6 or

7 (4) when a competency hearing is held; or

8 (5) when an adjudication of incompetency for trial has been
9 made; or

10 (6) when the case has been continued by the court under
11 Section 114-4 of this Code after a determination that the
12 defendant is physically incompetent to stand trial.

13 (c) Delay occasioned by the defendant shall temporarily
14 suspend, for the time of the delay, the period within which the
15 preliminary examination must be held. On the day of expiration
16 of the delay the period in question shall continue at the point
17 at which it was suspended.

18 (Source: P.A. 83-644.)